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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,557	11/13/2001	Steven M. Lehmann	353.015	8662

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EXAMINER

LUONG, VINH

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 05/15/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/008,557

Applicant(s)  
LEHMANN

Examiner  
Luong

Art Unit  
3682



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/27/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/13/01 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Vinh T. Luong  
Primary Examiner

Art Unit: 3682

1. Applicant's election of Group I in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse. MPEP § 818.03(a).

2. Claims 17-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

5. The drawings are objected to because each part of the invention such as the output driven member in claim 3 and the retainer member in claim 13 should be designated by a referential numeral or character. Correction is required.

Art Unit: 3682

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed features such as the selective engagement members engaged with the handle and with the input member in claim 5 must be shown or the features canceled from the claims. No new matter should be entered.

Figs. 4 and 5 show that the engagement member 26 is spaced apart from the handle 16, thus, the engagement member 26 is *not* engaged with the handle 16.

7. The disclosure is objected to because of the following informalities: each part of the invention such as the output driven member in claim 3 and the retainer member in claim 13 should be designated by a referential numeral or character. Appropriate correction is required.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether:

(a) a confusing variety of terms such as “an input drive member” in claim 3 and “an input member” in claim 4 refer to the same or different things. See MPEP 2173.05(o) and 608.01(o). The examiner respectfully urges applicant to identify each claimed element with reference to the drawings; and

(b) the term that appears at least twice such as “an actuating force” in claims 1 and 4 refers to the same or different things. See MPEP 2173.05(o).

Art Unit: 3682

The recitation, e.g., “the force-transferring arrangement comprises one or more selective engagement members engaged with the handle and with the input member” in claim 5 is inaccurate and misdescriptive since Figs. 4 and 5 show that the engagement member 26 is spaced apart from the handle 16, i.e., the engagement member 26 is *not* engaged with the handle 16. See page 7 of the specification.

No antecedent basis is seen for the term, e.g., “the hub” in claim 13.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Taniwaki’309 (U.S. Patent No. 3,944,309 cited by applicant).

Regarding claim 1, Taniwaki’309’s Figs. 1-16 teach a mobile storage system including one or more movable storage units 1A-1E and a drive arrangement 16, 18, 20, etc. associated with each storage unit 1A-1E for moving the storage unit 1A-1E in response to manual operation of an actuator 14, the improvement comprising a torque limiting mechanism interposed between the actuator 14 and the drive arrangement 16, 18, 20, etc. wherein the torque limiting mechanism is operable to prevent application of an actuating force to the drive arrangement 16, 18, 20, etc. exceeding a predetermined threshold.

Art Unit: 3682

Regarding claim 2, the actuator 14 includes a manually operable handle 14 interconnected with the drive arrangement by means of an input shaft (unnumbered at the center of the handle 14. See Fig. 6).

Regarding claim 3, the drive arrangement further includes a flexible drive element 20 (Fig. 3) engaged with an input drive member 16b, 24b, etc. (Fig. 6) and an output driven member 18 (Fig. 3), wherein the input shaft is mounted to the drive member 16b, 24b, etc. such that rotation of the input shaft by manual operation of the handle results in rotation of the driven member 18 through the drive member 16b, 24b, etc. and the flexible drive element 20.

Regarding claim 4, the torque limiting mechanism includes an input member 16b, 24b, etc. (Fig. 6) interconnected with the input shaft, and a force-transferring arrangement interposed between the handle 14 and the input member 16b, 24b, etc. for transferring an actuating force below the predetermined threshold from the handle 14 to the input member 16b, 24b, etc. and for preventing transfer of force above the predetermined threshold from the handle 14 to the input member 16b, 24b, etc.

Regarding claim 5, the force-transferring arrangement comprises one or more selective engagement members 26, 26a (Figs. 4 and 5), 28a (Figs. 6 and 7), 96 (Fig. 11), 116 (Figs. 14 and 15), etc. engaged with the handle 14 and with the input member 16b, 24b, etc.

Regarding claim 6, see a biasing element 34 for urging each engagement member 28a (Figs. 6 and 7) toward an engaged position in which each engagement member 28a engages the handle 14 with the input member 16b, 24b, etc., wherein application of a force to the handle 14 above the

Art Unit: 3682

predetermined threshold is operable to move each engagement member 28a away from its engaged position (Fig. 7) against the force of the biasing element 34.

Regarding claim 7, see an adjustment arrangement 28b, 36, etc. (Figs. 6 and 7) associated with the biasing element 34 for varying the force applied to the engagement member 28a so as to adjust the predetermined threshold of force which moves the engagement member 28a away from the engaged position.

12. Claims 8-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Taniwaki'173 (input shaft 9 in Fig. 3), Jacob et al. (friction disc 54), Sattel (handle 30), and Taniwaki'312 (Fig. 7).

15. Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 305-7687**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see M.P.E.P. 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P. 512). The following is an example of the format the certification might take:

Art Unit: 3682

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-7687) on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P. 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Luong whose telephone number is (703) 308-3221. The examiner can normally be reached on Monday-Thursday from 8:30 AM EST to 7:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on (703) 308-3668. The fax phone number for this Group is (703) 305-7687. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Luong

May 13, 2003

  
Vinh T. Luong  
Primary Examiner